

FILED

***Mitchell v. Anchorage Police*, No. 08-35749**
Rawlinson, Circuit Judge, concurring:

SEP 03 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

I concur in the affirmance of the judgment in favor of the Defendants because, and only because, the jury considered all of the arguments made by Plaintiff Carolyn Mitchell, and found that her constitutional rights were not violated under the circumstances. Once the case has been presented to the jury, the district court's denial of summary judgment is no longer an issue. *See Dixon v. Wallowa County*, 336 F.3d 1013, 1017 (9th Cir. 2003).